

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CESAR AUJUSTO VALASQUEZ,

Petitioner(s),

CASE NUMBER: 05-73281

HONORABLE VICTORIA A. ROBERTS

v.

BLAINE LAFLER,

Respondent(s).

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

On November 7, 2008, Magistrate Judge Paul J. Komives submitted a Report and Recommendation (Doc. #41) recommending that the Court DENY Petitioner's "Application for Certificate of Appealability." (Doc. #36). Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation.

Petitioner's application is **DENIED**.

IT IS ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: December 1, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and Cesar Ajusto Valasquez by electronic means or U.S. Mail on December 1, 2008.

s/Linda Vertriest _____
Deputy Clerk